

REMARKS

Applicants provisionally elect, with traverse, the invention of Group I, claims 65-76, 78-85 and 90-93.

It is respectfully submitted that the restriction requirement is in error and should be withdrawn. Claim 65 is directed to a primary composition comprising a mixture of (i) at least one lipophilic bioactive compound and (ii) a whey protein in an amount effective to increase the bioavailability of the lipophilic bioactive compound. Preferred lipophilic bioactive compounds are recited in the dependent claims, including claim 72, which recites that that compound is a tomato extract, a soybean extract or a mixture thereof. Claim 76, a claim that is allegedly restricted, recites the same bioactive compound. Accordingly, a complete search of the Group I claims would, of necessity, cover the group II claims.

To further prosecution, however, applicants have cancelled claim 77 and have amended to other Group II claims to depend from Group I claims. Accordingly, claims 65-76 and 78-93 should be examined together at this time.

In view of the preceding explanation, it is believed that the entire application is now in condition for allowance, early notification of such would be appreciated. Should the Examiner not agree, a personal or telephonic interview is respectfully requested to discuss any remaining issues in order to expedite the eventual allowance of the claims.

Date: _____

1/3/05

Respectfully submitted,



Allan A. Fanucci

(Reg. No. 30,256)

WINSTON & STRAWN

Customer Number 28765

(212) 294-3311